

# SENATE BILL No. 75

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24-2; IC 31-37-19.

**Synopsis:** License suspensions for gang or graffiti offenses. Requires a juvenile court to: (1) suspend the driving privileges of; (2) invalidate the learner's permit of; or (3) deny issuance of a driver's license or learner's permit to; a child who commits certain delinquent acts related to gangs or graffiti. Authorizes a juvenile court to reinstate the child's driving privileges or learner's permit or allow the child to receive a driver's license or learner's permit before the child's twenty-first birthday if the child: (1) in the case of an offense related to graffiti, removes or repaints the graffiti or makes other appropriate restitution; or (2) in the case of an offense relating to gang activity, has committed no additional delinquent acts in a two year period. Makes conforming amendments.

**Effective:** July 1, 2008.

Alting

January 8, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 75

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-24-2-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2008]: Sec. 2. **(a) This subsection does not**  
3 **apply to a person described in subsection (b).** A driver's license or  
4 a learner's permit may not be issued to an individual less than eighteen  
5 (18) years of age who is under an order entered by a juvenile court  
6 **denying issuance of a driver's license or learner's permit** under  
7 ~~IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d),~~  
8 ~~IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).~~  
9 **IC 31-37-19.**

10       **(b) This subsection applies only to a person who is under an**  
11 **order issued by a juvenile court denying issuance of a driver's**  
12 **license or learner's permit until the person's twenty-first birthday**  
13 **under IC 31-37-19-17 or IC 31-37-19-17.5. A driver's license or a**  
14 **learner's permit may not be issued to an individual less than**  
15 **twenty-one (21) years of age who is under an order entered by a**  
16 **juvenile court denying issuance of a driver's license or learner's**  
17 **permit under IC 31-37-19-17 or IC 31-37-19-17.5.**



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SECTION 2. IC 9-24-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) An operator's license or a learner's permit may not be issued to an individual who is under an order entered by a court under IC 35-43-1-2(d).

(b) The bureau shall suspend the operator's license or invalidate the learner's permit of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal), **IC 31-37-19-17.5**, or IC 35-43-1-2(c) **in accordance with the terms of the order.**

SECTION 3. IC 31-37-19-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be criminal mischief or institutional criminal mischief under IC 35-43-1-2 that involves the use of graffiti.

(b) The juvenile court ~~may~~ **shall**, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:

(1) suspend the child's ~~operator's~~ **driver's** license; ~~or~~

(2) invalidate the child's learner's permit; **or**

**(3) not issue the child a driver's license or learner's permit; for one (1) year beginning the date of the order until the child's twenty-first birthday.**

SECTION 4. IC 31-37-19-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 17.5. (a) This section applies to a child who is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:**

**(1) criminal gang activity (IC 35-45-9-3);**

**(2) criminal gang intimidation (IC 35-45-9-4); or**

**(3) criminal gang recruitment (IC 35-45-9-5).**

**(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to:**

**(1) suspend the child's driver's license;**

**(2) invalidate the child's learner's permit; or**

**(3) not issue the child a driver's license or learner's permit; until the child's twenty-first birthday.**

SECTION 5. IC 31-37-19-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. If the court orders **suspension**, invalidation, or denial of issuance of a driver's license or

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1 permit as described in IC 31-37-5-7 or section 4, 13, 14, 15, 16, 17, ~~or~~  
 2 17.3, **or 17.5** of this chapter (or IC 31-6-4-15.9(c), IC 31-6-4-15.9(d),  
 3 IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before the repeal of  
 4 IC 31-6-4-15.9):

5 (1) the bureau of motor vehicles shall comply with the order for  
 6 **suspension**, invalidation, or denial of issuance; and

7 (2) the child shall surrender to the court all driver's licenses or  
 8 permits of the child, and the court shall immediately forward the  
 9 licenses or permits to the bureau of motor vehicles.

10 If a juvenile court recommends suspension of driving privileges under  
 11 section 17.3 of this chapter, IC 9-30-6-12(b), IC 9-30-6-12(c), and  
 12 IC 9-30-6-12(d) apply to the child's driving privileges.

13 SECTION 6. IC 31-37-19-19.5 IS ADDED TO THE INDIANA  
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2008]: **Sec. 19.5. If:**

16 (1) **at least two (2) years have elapsed since the date on which**  
 17 **a juvenile court entered an order of suspension, invalidation,**  
 18 **or denial of issuance of a driver's license or learner's permit**  
 19 **under section 17.5 of this chapter for the commission of a**  
 20 **delinquent act relating to gang activity; and**

21 (2) **the juvenile court determines that the child has committed**  
 22 **no further delinquent acts;**

23 **the juvenile court may enter an order rescinding the order for**  
 24 **suspension, invalidation, or denial of issuance and allow the person**  
 25 **to receive a license or permit before the person's twenty-first**  
 26 **birthday.**

27 SECTION 7. IC 31-37-19-20 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) This section  
 29 applies if the juvenile court has entered an order for suspension or  
 30 invalidation of an operator's license or a learner's permit under section  
 31 17 of this chapter (or IC 31-6-4-15.9(f) before its repeal).

32 (b) Following a determination by the juvenile court that the child  
 33 has removed or painted over the graffiti or has made other suitable  
 34 restitution, the court may:

35 (1) rescind the order for suspension, ~~or~~ invalidation, **or denial of**  
 36 **issuance;** and

37 (2) allow the child to receive a license or permit before the ~~period~~  
 38 ~~of suspension or invalidation ends.~~ **child's twenty-first birthday.**

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